

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ZULCH LABORATORIES, INC., a California corporation,

No. C 13-5853 SI

Plaintiff,

ORDER DENYING WITHOUT PREJUDICE MOTION TO SEAL

v.

ELECTRONIC THEATRE CONTROLS, INC.,
d/b/a ETC, a Wisconsin corporation,

Defendant.

On June 6, 2014, defendant filed an administrative motion to file under seal portions of its first amended answer. Docket No. 28. In the administrative motion to seal and accompanying declaration of Donald Best, defendant states that it moves to seal portions of the amended answer because they contain information that has been designated by plaintiff as confidential or highly confidential.

Under Civil Local Rule 79-5(e), where “the Submitting Party is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order . . . [,] [w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.” Plaintiff has not filed such a declaration. In addition, the declaration of Donald Best does not comply with Civil Local Rule 79-5(d)(1)(A), as that rule provides that “[r]eference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.”

1 Accordingly, the Court DENIES defendant's motion to seal. This denial is without prejudice
2 to a party filing the declaration required by Civil Local Rule 79-5(d)(1)(A) within seven days from the
3 date this order is filed.

4

5 **IT IS SO ORDERED.**

6 Dated: June 23, 2014

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



SUSAN ILLSTON
United States District Judge